

AN ACT

relating to certain defenses to prosecution for the offense of sale, distribution, or display of harmful material to a minor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 43.24, Penal Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) It is an affirmative [a] defense to prosecution under this section that[+]

[~~(1)~~] the sale, distribution, or exhibition was by a person having scientific, educational, governmental, or other similar justification[~~, or~~

~~[(2) the sale, distribution, or exhibition was to a minor who was accompanied by a consenting parent, guardian, or spouse].~~

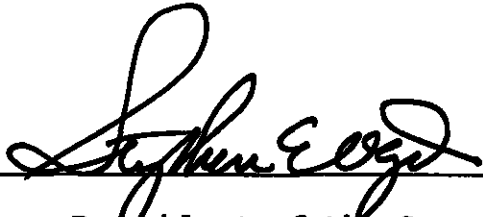
(c-1) It is a defense to prosecution under this section that the actor was the spouse of the minor at the time of the offense.

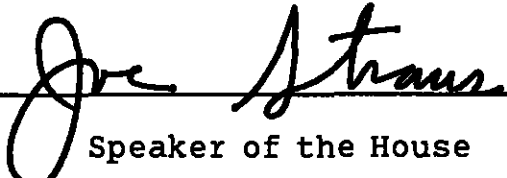
SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was

H.B. No. 1344

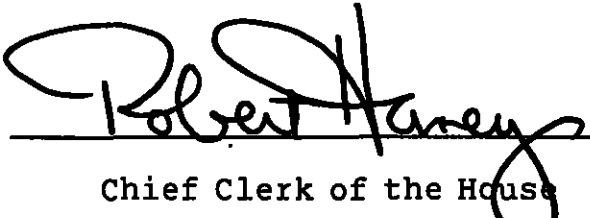
1 committed before that date.

2 SECTION 3. This Act takes effect September 1, 2011.

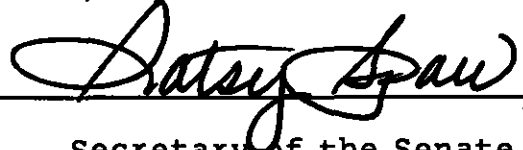
  
President of the Senate

H.B. No. 1344  
  
Speaker of the House

I certify that H.B. No. 1344 was passed by the House on April 7, 2011, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

  
Chief Clerk of the House

I certify that H.B. No. 1344 was passed by the Senate on May 17, 2011, by the following vote: Yeas 31, Nays 0.

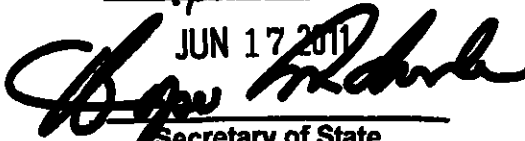
  
Secretary of the Senate

APPROVED: 17 JUN '11

Date

  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4pm O'CLOCK

JUN 17 2011  
  
Secretary of State